

AMENDMENT TO H.R. 1115, AS REPORTED**OFFERED BY MR. SENSENBRENNER OF****WISCONSIN, MR. BOUCHER, MR. GOODLATTE,
Mr. Moran (VA), MR. DOOLEY, MR. STENHOLM, MR. TERRY**

In section 1332(d) of title 28, United States Code,
as proposed to be inserted by section 4(a)(2) of the bill—

(1) in paragraph (2), strike “\$2,000,000” and
insert “\$5,000,000”;

(2) redesignate paragraphs (4) through (9) as
paragraphs (5) through (10), respectively;

(3) strike paragraph (3) and insert the fol-
lowing:

1 “(3) A district court may, in the interests of justice,
2 decline to exercise jurisdiction under paragraph (2) over
3 a class action in which greater than one-third but less than
4 two-thirds of the members of all proposed plaintiff classes
5 in the aggregate and the primary defendants are citizens
6 of the State in which the action was originally filed based
7 on consideration of the following factors:

8 “(A) Whether the claims asserted involve mat-
9 ters of national or interstate interest.

10 “(B) Whether the claims asserted will be gov-
11 erned by laws other than those of the State in which
12 the action was originally filed.



1 “(C) In the case of a class action originally
2 filed in a State court, whether the class action has
3 been pleaded in a manner that seeks to avoid Fed-
4 eral jurisdiction.

5 “(D) Whether the number of citizens of the
6 State in which the action was originally filed in all
7 proposed plaintiff classes in the aggregate is sub-
8 stantially larger than the number of citizens from
9 any other State, and the citizenship of the other
10 members of the proposed class is dispersed among a
11 substantial number of States.

12 “(E) Whether 1 or more class actions asserting
13 the same or similar claims on behalf of the same or
14 other persons have been or may be filed.

15 “(4) Paragraph (2) shall not apply to any class action
16 in which—

17 “(A) two-thirds or more of the members of all
18 proposed plaintiff classes in the aggregate and the
19 primary defendants are citizens of the State in
20 which the action was originally filed;

21 “(B) the primary defendants are States, State
22 officials, or other governmental entities against
23 whom the district court may be foreclosed from or-
24 dering relief; or



1 “(C) the number of members of all proposed
2 plaintiff classes in the aggregate is less than 100.”;

(4) in paragraph (5), as so redesignated, strike
“\$2,000,000” and insert “\$5,000,000”; and

(5) in paragraph (10), as so redesignated—

(A) in the third sentence, strike “para-
graphs (3) and (6)” and insert “paragraph
(7)”; and

(B) in the last sentence, strike “(6)” and
insert “(7)”.

